



South Tyneside Council

Reference:	260309
Location:	Wheatall Farm, Mill Lane, Whitburn, SR6 7EU
Ward:	Whitburn and Marsden
Description:	Erection of 6 no. isolation/birthing boxes.
Recommendation:	Grant Permission with Conditions
Case Officer:	Nick Graham
Case Officer Contact No.:	0191 4247427 or 07741108995

Description of the Site and Proposal

This application relates to an existing farm and livery yard at Mill Lane, Whitburn. It is noted that the site appears to operate as a mixture of farming and equestrian uses. The site is located within the Green Belt and is bounded by Mill Lane to the west, and open fields to the north, east and south. Residential properties are located approximately 100 metres to the north and west, at Fern Avenue and Lindsay Court respectively.

This application seeks full planning permission for the erection of six isolation / birthing boxes (within a single overall structure) for cattle associated with the farm use and to support the existing operations at the site.

Relevant Planning History

ST/0553/22/FUL - Erection of 6 No. 8/6m high coastal LED floodlights set around existing ménage - Approved 16/09/2022

Summary of Consultation Responses

The following responses were received in response to the statutory consultation period which ended on 09/09/2026.

Archaeologist

I have checked the application site against the Historic Environment Record and historic maps. Wheatall Farm is first shown on the Ordnance Survey Second Edition map of 1896 and during the later 20th century the farm buildings were extended to the north and east. The fields belonging to the farm are surrounded by the 20th century development of Whitburn Colliery to the north and Whitburn village to the south and west. The fields to the east of the farm buildings have some surviving areas of earthworks related to medieval ridge and furrow cultivation (HER 887). These are overlain by earthworks relating to firing ranges belonging to the Territorial Force Association and in use by the Regular Army during both World Wars (HER 2587). The Whitburn Rifle Ranges are entered on the South Tyneside Local List.

I consider that the proposals will not have any impact on the significance of any known archaeological heritage assets, or on the significance of the Locally Listed Whitburn Rifle Ranges, and no archaeological work is required in relation to the proposed development.

Countryside

Bat survey not required. Due to its location and the nature of the development it may be very suitable for the installation of a Swallow Nest Cup under NPPF biodiversity enhancements, as well as external bird and bat boxes.

The likelihood of bats being impacted by the proposed work are reduced as the development includes the construction of a single storey building which gives rise to very limited potential for the disturbance of bats.

Bat and nesting bird informatives recommended especially if vegetation is to be removed.

Environmental Health

I have considered the application with regards to potential impacts of both noise and odour as a result of this application, particularly regarding the impact on residential receptors.

Given the separation distance to residential receptors from the application area, the existing agricultural use of the land, ambient noise levels from traffic and the scale of the proposal, I do not believe that there will be any unreasonable impact at residential receptors and therefore have no objections to this application.

Highway Authority

The details of the application have been examined and are considered acceptable; the Highway Authority therefore has no objection to the proposal.

Land Contamination

No objections.

Whitburn Neighbourhood Forum

No comments received.

Summary of Representations

Neighbours notified by direct letter and site notices posted; no responses received.

Relevant planning policy

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that an application for planning permission must be determined in accordance with the adopted development plan, unless material considerations indicate otherwise.

The statutory development plan comprises the Council's adopted South Tyneside Local Plan 2023-2040. Relevant policies are listed below:

- Policy SP1: Presumption in favour of Sustainable Development
- Policy 1: Promoting Healthy Communities
- Policy 4: Contaminated Land and Ground Stability
- Policy SP21: Natural Environment
- Policy 33: Biodiversity, Geodiversity and Ecological Networks
- Policy 35: Delivering Biodiversity Net Gain
- Policy 39: Areas of High Landscape Value
- Policy 41: Green Belt

- Policy 44: Archaeology
- Policy 47: Design Principles
- Policy SP26: Delivering Sustainable Transport

The Local Development Framework (LDF) development plan documents also remain part of the development plan at the current time, along with policies in the Whitburn Neighbourhood Plan.

National planning policy is also a material consideration in determining this planning application. Relevant national policy comprises the National Planning Policy Framework (NPPF), National Planning Practice Guidance (NPPG), the National Design Guide and the National Model Design Code.

Assessment

The key issues in the assessment of this planning application are as follows:

- Principle of development
- Green Belt
- Visual Amenity
- Residential Amenity
- Highway Safety and Parking
- Ecology and Biodiversity
- Contaminated Land
- Archaeology

Principle of development

The NPPF (August 2026) Policy S5 states that 'Only certain forms of development should be approved outside settlements, as set out in the following list. These should be approved, unless the benefits of doing so would be substantially outweighed by any adverse effects, when assessed against the national decision-making policies in this Framework'. This includes at criterion (a), 'development for agriculture', and at criterion (b) 'development for rural businesses...where a location outside settlements is shown to be necessary'.

The site appears to currently operate as a mixture of agricultural and equestrian uses, which is suitable for a countryside location. It is, therefore, considered that the principle of providing 6 no. isolation/birthing boxes on the site would be acceptable having regard to Policy S5 of the NPPF, although further assessment is required, as detailed below, as to whether or not the proposal is acceptable in respect of other material planning considerations.

Green Belt

The proposed development is located in designated Green Belt (and as shown on the Local Plan Proposals Map) and where local and national planning policies are in force to protect the character and openness of such areas. This designation (Local Plan Policy 41) seeks to safeguard the openness of the Green Belt and it seeks to prevent urban sprawl. Part 13 of the NPPF states that the Government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.

Paragraph GB6 of the NPPF states that when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by

reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.

Paragraph GB7 of the NPPF states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except where an exception applies. Exception (a) sets out one of these exceptions as:

Development which is for agriculture, horticulture and forestry, or which is solely for nature conservation, restoration and/or enhancement.

Given the above, it is considered the proposal would meet this would meet the exception (a) set out in Policy GB7 of the NPPF and is not inappropriate development in the Green Belt.

Visual Amenity

Local Plan Policy 47 promotes good design, whilst Local Plan Policy 39 relates to Areas of High Landscape Value.

It is acknowledged the proposed building would be located to the northern edge of the site, however this is single storey and would be viewed as part of the wider farm / equestrian arrangement at the site, including other farm buildings and equestrian uses such as the menage with lighting located immediately to the south. It is also not considered the development would have a significant impact on the integrity and character of the landscape given its size and positioning.

Given the above, it is considered that the proposal would accordance with Local Plan Policies 47 and 39with regard to design and landscape impact.

Residential Amenity

The proposed 6 no. isolation/birthing boxes would be located to the northern part of the site, approximately 100 metres from the closest residential properties at Fern Avenue. The Environmental Health Officer has raised no concerns with respect to noise and odour matters and given the above it is considered that the proposal would be in accordance with Local Plan Policy 47, and the NPPF in respect of residential amenity.

Highway safety and parking

The development would utilise the existing access to the site from Mill Lane and the Highway Authority have raised no objections to this arrangement. It is therefore considered that the proposed development is in accordance with Local Plan Policy SP26and the NPPF (with regard to highway safety).

Ecology and Biodiversity

The proposal would be constructed on an area of compounded grass, scrubland and hard core to the north of the existing menage. It is noted this is part of the existing farm / equestrian site and it is considered this is of low ecological value. The Countryside Officer has raised no objections and recommends informatives relating to bats and roosting birds. A Swallow Nest Cup under NPPF biodiversity enhancements were also recommended in their response, as well as external bird and bat boxes, however these features are not considered to be reasonable or necessary to make the development acceptable in planning terms and are therefore suggested as an informative.

In terms of Biodiversity Net Gain (BNG), as the application was submitted prior to 6 August 2026, the previous BNG regulations apply. In this instance it is considered that the area of on-site habitat affected is less than 25m² and as such the proposal would be exempt from mandatory BNG, as it would be de minimis development.

The application site is located within close proximity of the Northumbria Coast SPA and Durham Coast SSSI), situated approximately 500 metres away from the designated sites at its closest point. The Conservation of Habitats and Species Regulations (2017) requires competent authorities to consider whether any projects and plans will impact on European Sites.

The Countryside Officer has not raised any objections in terms of habitats or Habitats Regulations Assessment requirements. The proposal would relate to an existing farm / equestrian facility where workers and visitors already frequent, and animals (including livestock and horses) graze fields including closer to the designated sites. Given this the nature, scale, and location of the proposal is not considered to have any conceivable effect on a European site, or any impact on protected or priority species and an eliminated project HRA has been undertaken on this basis.

Given the above, it is considered that the proposed development would not give rise to significant adverse environmental impacts to biodiversity and nature conservation. Nor does it raise any issues with regards to HRA, pursuant to the Conservation of Habitats and Species Regulations (2017). As such the proposal would accord with Local Plan Policies 33 and, and the NPPF (with regard to ecology, biodiversity and HRA).

Contaminated land

The Council's Environmental Protection Officer has raised no objections in relation to land contamination matters, and in this regard, the proposal would satisfy Local Plan Policy 4, and the NPPF (with regard to land contamination).

Archaeology

The County Archaeologist has raised no objections in relation to archaeological matters, and in this regard, the proposal would accord with Local Plan Policy 44 and the NPPF (with regard to archaeology).

Other matters

In deciding whether to grant planning permission the Council must have due regard to the 3 equality aims contained in Section 149 of the Equality Act 2010 (the public sector equality duty). A preliminary assessment of the potential equality impacts of any grant of planning permission in this case has been undertaken. There are no apparent equality impacts of the proposed development which give rise to the need to undertake a more detailed equality impact assessment.

The development has been assessed against the provisions of the Human Rights Act, and in particular Article 1 of the First Protocol and Article 8 of the Act itself. This Act gives further effect to the rights included in the European Convention on Human Rights. In arriving at this recommendation, due regard has been given to the applicant's reasonable development rights and expectations which have been balanced and weighed against the wider community interests, as expressed through third party interests / the Development Plan and Central Government Guidance.

Conclusion

Having regard for the above it is considered that the proposal would result in no significant harm to the key issues outlined above.

As a result, it is considered that the proposed development complies with all relevant local and national planning policy and guidance. Consequently, this application is recommended for approval.

Recommendation

Grant Permission with Conditions

Conditions

- 1 The development to which this permission relates must be commenced not later than 3 years from the date of this permission.

As required by Section 91 of the Town and Country Planning Act 1990 and to ensure that the development is carried out within a reasonable time.

- 2 The development shall be carried out in accordance with the approved plan(s) as detailed below

Site Plan received 08/05/2026

Existing and Proposed Plans and Elevations Drg. No. 010526-1 Rev. A received 04/06/2026

To define this permission and for purposes relating to Section 73 of the Town and Country Planning Act 1990.

- 3 The external surfaces of the development hereby permitted shall be in accordance with the details as listed in section 9 ('Materials') of the Application Form received 11/05/2026.

To ensure a satisfactory standard of development and in the interests of visual amenity in accordance with Local Plan Policy 47 and Whitburn Neighbourhood Plan Policy WNP2.

Informatives

- 1 Approval of a Biodiversity Gain Plan NOT REQUIRED before development commences

The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission granted for the development of land in England is deemed to have been granted subject to the condition "(the biodiversity gain condition)" that development may not begin unless:

- (a) a Biodiversity Gain Plan has been submitted to the planning authority, and
- (b) the planning authority has approved the plan.

However, based on the information available, this permission is considered to be one which will not require the approval of a biodiversity gain plan before development is begun because one or more of the statutory exemptions or transitional arrangements

are considered to apply - please refer to Biodiversity net gain: exempt developments - GOV.UK (www.gov.uk).

- 2 The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to the Mining Remediation Authority on 0345 762 6846 or if a hazard is encountered on site call the emergency line 0800 288 4242.

Further information is also available on the Mining Remediation Authority website at: Mining Remediation Authority - GOV.UK

- 3 All British bats are protected by both UK and European legislation. This legal protection extends to any place that a bat uses for shelter or protection whether bats are present or not. Should a bat or signs of bats be discovered at any stage during the works, work must stop immediately and advice sought from Natural England. Failure to do this may result in an offence being committed, regardless of planning consent, and could lead to prosecution.
Natural England Bat Advice Line: 0345 1300 228

- 4 Under UK legislation it is an offence to intentionally or recklessly disturb, damage or destroy an active birds nest. An active nest is one which is in the process of being built or contains eggs / chicks. Activities which may affect nesting birds must be organised and timed to avoid the bird breeding season which is March to August inclusive. Failure to do so may result in an offence being committed, regardless of planning consent, and could lead to prosecution under the Wildlife and Countryside Act 1981.

- 5 The NPPF states that planning decisions should contribute to and enhance the natural and local environment by minimising impacts on and providing net gains for biodiversity. Features such as the below are recommended to be installed:

- Installation of Swallow Nest Cups within the building providing an opening is to be left open.
- Installation of external bird box with the following.
 - o Under the eaves on the northern or eastern aspects.
 - o A clear flight line must be available to the nest.
 - o Not placed directly above windows or doors.
- Installation of a bat box. <https://www.bats.org.uk/our-work/buildings-planning-and-development/bat-boxes>.
There are several guidelines which must be followed to enable the box to be a useful Net Gain feature:
 - o Tucked beneath the eaves, at least 4m above the ground
 - o Not placed directly above windows or doors
 - o Away from artificial light sources
 - o Placed on the western or southern elevations.

Case officer: Nick Graham

Signed: N. Graham

Date: 18/09/2026

Authorised Signatory: *G. Simonette*

Date: 21/09/2026